## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KELLY C. PIERRE,

:

Petitioner :

CIVIL NO. 4:09-CV-0184

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v. : (Judge Jones)

ATTORNEY GENERAL OF THE

UNITED STATES, et al.,

Respondents

## **MEMORANDUM**

May 27, 2009

Petitioner Kelly Pierre ("Petitioner" or "Pierre"), formerly a detainee of the United States Immigration and Customs Enforcement ("ICE") Office confined at the Clinton County Correctional Facility in McElhattan, Pennsylvania, initiated this action by filing a Petition for Writ of Habeas Corpus pursuant to the provisions of 28 U.S.C. § 2241. Pierre's Petition challenged his continued detention by ICE pending his removal to Venezuela and sought immediate release from custody. (See Doc. 1.) Service of the Petition was directed by Order dated February 24, 2009. (Doc.

3.) On March 16, 2009, Respondents filed a Response to the Petition. (Doc. 8.) Pierre's Reply, dated March 23, 2009, was filed on March 30, 2009. (Doc. 9.)

<sup>&</sup>lt;sup>1</sup>Significantly, Pierre challenges only his detention pending removal, not his removal itself. See Nguijol v. Mukasey, 2008 WL 5047764, at \*1 & n.2 (M.D. Pa. Nov. 24, 2008).

On May 15, 2009, a case filed by Pierre in the United States District Court for the District of Columbia was transferred to this Court and opened as a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. *See Pierre v. Assistant Secretary, ICE, et al.*, Civil No. 4:CV-09-0920. In that case, the Clerk of Court entered Pierre's address on the docket as the Allenwood Federal Correctional Institution ("FCI Allenwood") because Pierre had been incarcerated at that facility at the time he filed a previous case with this Court. *See Pierre v. Ebbert*, Civil No. 4:CV-08-1370. The Clerk of Court then mailed a Standing Practice Order to Pierre at FCI Allenwood.

On May 22, 2009, the Standing Practice Order was returned to the Clerk of Court with the notation, "Return to Sender- Released to INS." *See Pierre v. Assistant Secretary, ICE, et al.*, Civil No. 4:CV-09-0920, Doc. 8. On the same date, the Court was informed by the Clinton County Correctional Facility that, on March 24, 2009, Pierre was released from ICE custody on an order of supervision. His current address is 2445 Tiebout Avenue, 5C, Bronx, New York, 10456. Accordingly, Pierre's address has been updated on the docket.

Because Pierre has obtained the relief he requests in his Petition, namely, an immediate release from ICE custody, his Petition will be dismissed as moot. *See Nguijjol*, 2008 WL 5047764, at \*1 n.2. An appropriate Order will enter.